

Mr. Melvin Fisher #F-74800

Name

North Fork Correctional Facility1605 E. Main Street, Sayre, OK. 73662

Address

FILED

FEB 28 2012

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY [Signature] DEPUTYUNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMAMelvin Fisher, Plaintiff
(Full Name)**CIV-12-231**

CASE NO.

(To be supplied by the Clerk)

Warden Fred E. Figueroa (CCA)
Officer Johnson (CCA), Defendant (s)
C.O.C.F. WARDEN -
Melissa Lee - California Out of State -
FacilityCIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C.
§1983

A. JURISDICTION

- 1) Melvin Fisher, is a citizen of Washington, D.C.
(Plaintiff) (State)
who presently resides at North Fork Correctional Facility - 1605 E.
(Mailing address or place
Main Street, Sayre, OK. 73662
of confinement)
- 2) Defendant Warden Fred E. Figueroa is a citizen of
(Name of first defendant)
Sayre, Oklahoma, and is employed as
(City, State)
CCA-Warden. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of
state law? Yes ☒ No ☐. If your answer is "Yes", briefly explain:

A (1) Count 1: The defendant (Warden Figueroa) failed to provide me adequate safety.

(2) Supporting Facts: Warden Figueroa acted "Under Color of State law," and it's policy of North Fork Correctional Facility to determine that all inmates housed at N.F.C.F. are afforded the following rights: Protection from abuse (personal or verbal), Personal Injury. Protection from inmates having power over other inmates. Therefore my rights were violated because N.F.C.F. under the authority of Warden Figueroa failed to provide me with safety and protection from abuse personally, and protection from inmates having power over other inmates by increasing the Mexican (Soreno's) number to approximately 5 mexicans to every one (1) African American inmates and prison official knows of this problem arising and allowed this to fester while being under staff and staff without proper training to provide safety or uphold their policies. As a result from their negligence my rights were violated and their policy, "leaving me injuries of a broken nose and a life time scar to bear along with pain and suffering and fear that it may happen again and it will if it remains the same.

B (1) Count 11: The defendant (Officer Johnson) held the door with her foot denying me access to safety during the riot, causing me to run into the door hitting my nose on the door and causing me a broken nose.

(2) Supporting Facts: On October 11, 2011 approximately 10:30 at our pod-Golf-Bravo scheduled gym time in gym B, we was told to get up against the wall by Officer Johnson. Then she proceeded to count and then the next thing I noticed was Officer Johnson going to the door and right behind her was the mexicans (Soreno's) inmates. As I observed the mexican inmates were coming back at us (African American inmates) in attack mode, right then and there, "I knew we were in trouble, so I told the brother that was beside me come on, its time to go," so we started protecting ourselves from their attack on us. We made our way - running to the door and me hitting the door with my face and breaking my nose, we noticed that Officer Johnson was holding the door with her foot, "preventing us from getting out from under the attack. We started yelling through the door for her to let us out. Finally she (Officer Johnson) let the door go after the response team instructed her to do so and come to their safety net. As a failure to adequate trained staff and Officer Johnson actions caused me a broken nose by holding the door to prevent me from getting out of harms way into safety.

- 3) Defendant Officer Johnson is a citizen of
(Name of second defendant)
Sayre, Oklahoma, and is employed as
(City, State)
Security guard at CCA. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose was this defendant acting under color of
state law? Yes ☒ No ☐ If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional
defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3); 42 U.S.C. §1983.
(If you wish to assert jurisdiction under different or additional statutes,
you may list them below.) _____

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach up to two additional pages (8½" x 11") to explain any allegation or to list additional supporting facts.)

A) (1) Count I: _____

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and date. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

B) (1) Count II: _____

(2) Supporting Facts:

C (1) Count III: Warden Melissa Lee of California Out of State Facility acted out deliberate indifference because she constituted an action that invited excessive risk to inmates health and safety.

(2) Supporting Facts: Warden Melissa Lee and Warden Fred E. Figueroa assessment and agreement to transfer the Northerner Mexicans Inmates out of this facility knowing that they were not the problem and for their safety and knowing that the Northerner Mexicans programmed with other races. They also knew that the problem was the Soreno Mexicans that has a problem with every other race and they (both Warden's) know that they are the trouble makers. They both knew that by increasing the numbers of the Soreno Mexicans would give them power over other inmates and that is what they strive for is numbers so they can rule over other races of inmates. They both knew that it was an excessive risk of a riot happening. "That information is known throughout the Department of Corrections in California and their contractors." They both collectively refused to verify the underlying facts that it was bound to happen (a riot), when they increased the numbers of the Southerner Mexicans (Soreno's) Inmates and they both collectively declined to confirm inferences of the risk that they strongly knew and suspected to exist and it did happen on October 11, 2011. As a prisoner, I have a right to be reasonably protected from constant threat of violence by fellow prisoners. And protected from negligence of staff members failing to provide me safety and putting me in an excessive risk to be harmed. Not to mention that this facility is not equiped and properly staffed to provide adequate safety, also the staff is not adequately trained and lacks experience to perform the task and policy they stand for and uphold by way of incompetence and responsibility of the supervisory officials. There fore caused deprivation and they are liable for my injuries I bear.

C) (1) Count III: _____

(2) Supporting Facts:

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes ☐ No ☒. If your answer is "Yes", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit:

Plaintiffs: _____

Defendants: _____

b) Name of court and docket number _____

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

d) Issues raised _____

e) Approximate date of filing lawsuit _____

f) Approximate date of disposition _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ . If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

I have enclosed exhibits of 10 copies.

- * And just for the record I was unable to get copies for the requirements of the courts

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

Compensation of money for the broken nose,
life time bearing the scar, pain and suffering, lost of wages.
Also for false accusations of battery w SBI and put in
Ad seg

Signature of Attorney (if any)

Melvin Fisher #F-74800
Signature of Petitioner

(Attorney's full address and
telephone number.)

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746. 18 U.S.C. § 1621.

Executed at North Fork Correctional Facility on 2-27-2012, 199 .
(Location) (Date)

Mehin Fisher #F-74800
(Signature)